

SOUTH DAKOTA REAL ESTATE COMMISSION
AUGUST 18 & 19, 2010
HOLIDAY INN EXPRESS
110 EAST STANLEY
FORT PIERRE, SOUTH DAKOTA

The South Dakota Real Estate Commission convened at 9:00 a.m. on August 18, 2010 in Holiday Inn Express, SD. Present for the meeting were Chairman Dennis Eismach and commission members Eileen Fischer, Charles Larkin, Paula Lewis. Commission member Brian Jackson was present telephonically. Also present was Lindsey Riter-Rapp, legal counsel, executive director Dee Jones Noordermeer and compliance officer Michelle Metzinger.

Motion made and seconded to approve Paula Lewis as Chairman and Charles Larkin as Vice Chairman. Motion carried. The gavel was passed to Chairman Lewis who then presided over the meeting.

The Commission reviewed the Findings of Fact, Conclusions of Law and Proposed Decision on Douglas Andrews. Following discussion, motion made and seconded to adopt the proposed order to revoke the license of Douglas Andrews and to amend the proposed order with a fine of \$2,500 and reimbursement to the Commission for costs of the proceedings. Eileen Fischer and Paula Lewis abstained from voting because they were not in attendance at the hearing held for Mr. Andrews. Motion carried.

Because attorney briefs had just been filed with the hearing examiner, the Findings of Facts, Conclusions of Law and Proposed Order for Cheri St. Pierre were not completed in time for this meeting. Therefore a motion was made and seconded to table any action until the October 2010 meeting. Motion carried.

Motion made and seconded to approve the minutes of the June 24 & 25, 2010 meeting & July 23, 2010 telephonic meeting minutes. Motion carried.

Motion made and seconded to accept the financial reports for June & July 2010. Motion carried.

Motion made and seconded to approve the Annual Report for FY 2010. Motion carried.

Discussion was held on Cash Flow and Projections Report presented by the executive director.

Motion made and seconded to enter into executive session at 9:20 a.m. pursuant to SDCL 1-25-2(5). Motion carried.

Motion made and seconded to come out of executive session at 9:40 a.m. Motion carried.

Brian Jackson left the meeting at 10:20 a.m.

Motion made to proceed with the Proposed Legislation/Administrative Rules presented by the executive director. Motion carried.

Eileen Fischer left the meeting at 11:45 a.m.

August 2010 Minutes – Page 2

The Commission recessed for lunch at 11:55 a.m. and reconvened with the exception of Charles Larkin at 1:15 p.m.

Discussion was held on Auctioneer forms.

Motion made and seconded to move to executive session at 1:30 a.m. to review complaints Motion carried.

Charles Larkin joined the meeting at 1:35 p.m.

Motion made and seconded to come out of executive session at 1:50 p.m. Motion carried.

Motion made and seconded to dismiss Complaint 2010-019. Motion carried.

Motion made and seconded to file a formal complaint against Raymond J. (Bucky) Heyer. Motion carried.

Motion made and seconded to dismiss complaint 2010-022. Motion carried.

Motion made and seconded to file a formal complaint against Adolph Hepper. Motion carried.

Hearing Examiner Julie Johnson convened the formal hearing 2010-011 SDREC vs Jerad Rokusek. Present for the meeting in addition to the commission members were, court reporter Cheri Wittler, executive director Dee Jones Noordermeer, legal counsel Lindsay Riter-Rapp, compliance officer Michelle Metzinger, defendant Jerad Rokusek.

The formal hearing closed at 3:03 p.m.

Motion made and seconded to move to executive session at 3:20 p.m review complaint 2010-021 and to discuss if further action should be taken against two real estate licensees who were disciplined by the Appraiser Certification Program. Motion carried.

Motion made and seconded to come out of executive session at 4:10 p.m. Motion carried.

The commission made discussion to further investigate complaint 2010-021.

The commission instructed the executive director to write letters to the real estate licensees who were disciplined by the Appraiser Certification Program notifying them that the Commission had received notice of the disciplinary action and that the letters would be placed in their license files.

The executive director informed the Commission that the current caravan registration fee established several years ago no longer covers the rising costs involved. Discussion was held on the rising costs incurred by the caravan. Motion was made and seconded to establish a \$60.00 pre-registration caravan cost and a \$70.00 at the door caravan registration cost. The amount of caravan refund cost will be \$50.00. Motion carried.

Compliance officer Michelle Metzinger gave an update from the ARELLO Investigator Workshop in Denver, CO.
August 2010 Minutes – Page 3

An update on the ARELLO District Meeting held in Des Moines, Iowa was given by chairman Paula Lewis, vice chairman Charles Larkin and executive director, Dee Jones Noordermeer.

An update for cases on appeal was given by Lindsay Riter-Rapp.

Discussion was held on travel.

Motion was made and seconded to submit a travel request for Charles Larkin to attend the North Dakota/South Dakota REATLORS® Convention to be held in Grand Forks, North Dakota. Motion Carried.

Discussion was held on E & O Insurance coverage for firms. The executive director will contact the current group insurance carrier to discuss what type of coverage is available for firms.

The meeting recessed at 5:10 p.m. and reconvened at 8:30 a.m. on August 19, 2010.

Motion made and seconded to deny the request for a petition hearing on complaint 2010-020. Motion carried.

The next meeting of the Commission will be held October 6 & 7, 2010 in Pierre.

There being no further business, motion made and seconded to adjourn at 9:35 a.m. Motion carried.

Paula Lewis, Chairman

Dee Jones Noordermeer, Executive Director

I, Dee Jones Noordermeer, hereby certify that the above is a true and correct copy of the minutes of the South Dakota Real Estate Commission meeting held on August 18 & 19, 2010.

Dee Jones Noordermeer, Executive Director